

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on February 20, 2009 at 8 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Gregory D. Barkus (R)
Sen. Jim Peterson (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 372, SB 493, SB 494, 2/16/2009

Executive Action: SB 351, SB 431, SB 444, SB 398, SB 372, SB 373, SB 493, SB 494, (SB 389 reconsideration request)

EXECUTIVE ACTION ON SB 398

00:01:04 **Motion:** Sen. Keane moved **SB 398 DO PASS.**

Discussion:

00:01:19 Sen. Keane
00:01:38 Pat Murdo
00:02:02 Chairman Balyeat
00:02:51 Pat Murdo
00:03:04 Chairman Balyeat

00:03:11 **Vote:** Motion carried 10-1 by voice vote. Sen. Squires voted no. Sen. Peterson, Sen. Barkus and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 431

00:04:21 **Motion:** Sen. Brown moved **SB 431 DO PASS.**

Discussion:

00:04:38 Sen. Brown
00:05:49 Sen. Squires
00:06:19 Sen. Brown
00:07:21 Sen. Squires
00:08:04 Pat Murdo
00:09:00 Chairman Balyeat

00:09:10 **Substitute Motion:** Chairman Balyeat made a **SUBSTITUTE MOTION THAT SB 431 BE CONCEPTUALLY AMENDED** on Page 1, line 19 by striking "dealing with" and inserting "handling."

Discussion:

00:09:38 Sen. Brown
00:09:56 Sen. Squires
00:10:44 Sen. Brown

00:11:12 **Vote:** Motion carried 9-2 by voice vote. Sen. Keane and Sen. Squires voted no. Sen. Barkus, Sen. Windy Boy and Sen. Peterson voted by proxy.

00:11:50 **Motion/Vote:** Sen. Brown moved **SB 431 DO PASS AS AMENDED.** Motion carried 6-5 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted no. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 351

00:13:35 **Motion:** Sen. Keane moved **SB 351 DO PASS.**
EXHIBIT(bus40a01)

00:13:49 **Motion:** Sen. Keane moved **TO AMEND SB 351.**
EXHIBIT(bus40a02)

Discussion:

00:14:51 Chairman Balyeat
00:14:55 Pat Murdo
00:16:01 Chairman Balyeat
00:16:04 Sen. Keane
00:16:09 Chairman Balyeat
00:21:57 Kristi Blazer, Montana Association of Mortgage Brokers
00:22:23 Chairman Balyeat
00:22:26 Annie Goodwin, Commissioner, Department of
Administration (DOA)
00:23:18 Sen. Tropila
00:23:38 Sen. Brown
00:24:06 Kristi Blazer
00:25:29 Sen. Brown
00:25:37 Sen. Squires
00:25:48 Annie Goodwin
00:27:01 Chairman Balyeat
00:28:20 Sen. Jackson
00:28:51 Kristi Blazer

00:29:16 **Vote:** Motion carried 10-1 by voice vote. Sen. Squires
voted no. Sen. Peterson, Sen. Barkus, and Sen. Windy
Boy voted by proxy.

00:29:39 **Motion:** Sen. Keane moved **SB 351 DO PASS AS AMENDED.**
Motion carried 10-1 by voice vote. Sen. Squires voted
no. Sen. Peterson, Sen. Barkus, and Sen. Windy Boy
voted by proxy.

EXECUTIVE ACTION ON SB 444

00:31:45 **Motion:** Sen. Keane moved **SB 444 DO PASS.**
EXHIBIT(bus40a03)

Discussion:

00:32:09 Chairman Balyeat
00:35:38 Pat Murdo
00:35:43 Sen. Brown
00:36:08 Pat Murdo

00:36:05 Sen. Keane
00:36:49 Chairman Balyeat
00:38:43 Pat Murdo
00:39:05 Sen. Keane

00:39:30 **Vote:** Motion carried 7-4 by roll call vote. Sen. Barkus, Sen. Brown, Sen. Peterson, and Sen. Steinbeisser voted no. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 389

00:41:20 **Motion:** Sen. Squires moved **TO RECONSIDER SB 389.**

Discussion:

00:42:17 Sen. Squires
00:42:42 Chairman Balyeat
00:43:12 Sen. Squires
00:43:16 Pat Murdo
00:43:22 Sen. Squires
00:45:18 Sen. Keane
00:45:31 Chairman Balyeat

00:45:44 **Vote:** Motion failed 5-6 by roll call vote. Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Windy Boy, and Sen. Balyeat voted aye. Sen. Barkus, Sen. Peterson, and Sen. Windy Boy voted by proxy.

00:47:36 Recess
01:00:51 Resume

01:01:45 Sen. Windy Boy arrived.

HEARING ON SB 493

Opening Statement by Sponsor:

01:01:03 Sen. Cliff Larsen (D), SD 50, opened the hearing on SB 493, Revise economic development laws.

EXHIBIT (bus40a04)

Proponents' Testimony:

01:05:29 Sherri Meador, Attorney, Board of Horse Racing
01:06:45 Ray Tracy, member, Board of Horse Racing
01:07:26 Dale Mahlum, former Senator

Opponents' Testimony: None

Informational Testimony:

01:12:57 Rick Ask, acting Administrator, Gaming Control
Division, Department of Justice (DOJ)
01:13:23 Ryan Sherman, Executive Secretary, Montana Board of
Horse Racing

Questions from Committee Members and Responses:

01:13:51 Sen. Tropila
01:13:58 Rick Ask
01:15:04 Chairman Balyeat
01:16:33 Rick Ask

Closing by Sponsor:

01:17:01 Sen. Larsen

HEARING ON SB 494

Opening Statement by Sponsor:

01:23:10 Sen. Jonathan Windy Boy (D), SD 16, opened the hearing
on SB 494, Address bullying in the workplace.

Proponents' Testimony:

01:24:15 Lorna Stremcha, self
[EXHIBIT \(bus40a05\)](#)

01:39:13 Don Judge, Montana Injured Workers Resource Council
[EXHIBIT \(bus40a06\)](#)

01:44:30 Andrea Olsen, Montana Trial Lawyers Association

Opponents' Testimony:

01:46:44 Jon Bennion, Montana Chamber of Commerce

Informational Testimony:

01:50:17 Mark Cadwallader, Attorney, Montana Department of Labor
and Industry (DOLI)

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:51:02 Sen. Windy Boy

[EXHIBIT](#)(bus40a07)

HEARING ON SB 372

Opening Statement by Sponsor:

01:53:06 Sen. Gary Perry (R), SD 35, opened the hearing on SB 372, Revise firefighter laws.

Proponents' Testimony:

01:53:56 Brett Waters, Fire Chief, Central Valley Fire District

[EXHIBIT](#)(bus40a08)

[EXHIBIT](#)(bus40a09)

01:53:58 Sen. Windy Boy left the room.

Opponents' Testimony:

01:57:03 Kurt Bushnell, President, Montana State Firemens Association

02:00:26 Kim Flatow, Member Services Bureau Chief, Public Employees Retirement Board (PERB)

[EXHIBIT](#)(bus40a10)

Informational Testimony:

Questions from Committee Members and Responses:

02:05:51 Chairman Balyeat

02:11:36 Kim Flatow

02:12:12 Sen. Tropila

02:14:09 Brett Waters

02:14:29 Sen. Keane

02:14:34 Kurt Bushnell

02:15:22 Sen. Squires

02:18:14 Kurt Bushnell

02:18:29 Chairman Balyeat

02:19:37 Sen. Perry

Closing by Sponsor:

02:21:32 Sen. Perry

EXECUTIVE ACTION ON SB 493

02:24:37 **Motion:** Sen. Keane moved **SB 493 DO PASS.**

Discussion:

02:24:56 Chairman Balyeat

02:25:17 **Substitute Motion:** Chairman Balyeat moved **TO CONCEPTUALLY AMEND SB 493** on Page 1, line 29 to change the base year to 2008, also adding the words "if any".
EXHIBIT (bus40a11)

Discussion:

02:26:44 Sen. Squires

02:27:24 Sen. Tropila

02:27:54 Sen. Squires

02:30:45 Chairman Balyeat

02:31:02 Sen. Brown

02:31:15 Chairman Balyeat withdrew the words "if any" from his motion.

02:31:57 **Vote:** Motion carried 7-4 by voice vote. Sen. Keane, Sen. Squires, Sen. Tropila, and Sen. Windy Boy voted no. Sen. Barkus, Sen. Peterson and Sen. Windy Boy voted by proxy.

02:32:39 **Motion/Vote:** Sen. Keane moved **SB 493 DO PASS AS AMENDED.** Motion carried 7-4 by roll call vote. Sen. Barkus, Sen. Peterson, Sen. Jackson and Chairman Balyeat voted no. Sen. Barkus, Sen. Peterson and Sen. Windy Boy voted by proxy.

02:34:51 Sen. Squires

02:35:38 Recess

02:44:25 Resume

Note: Chairman Balyeat had to present a bill in another committee and did not return. Vice Chair Jackson assumed the chair. Sen. Barkus arrived.

EXECUTIVE ACTION ON SB 372

02:47:16 **Motion/Vote:** Sen. Keane moved **TO TABLE SB 372**. Sen. Barkus voted no. Motion carried 10-1 by roll call vote. Sen. Balyeat, Sen. Peterson, Sen. Stewart-Peregoy, and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 373

02:49:29 **Motion:** Sen. Barkus moved **SB 373 DO PASS**.

02:49:45 Sen. Stewart-Peregoy returned.

Discussion:

02:49:55 Sen. Keane
02:50:04 Sen. Brown
02:51:17 Sen. Squires
02:53:26 Sen. Tropila
02:54:00 Sen. Steinbeisser
02:54:20 Sen. Barkus
02:54:51 Sen. Keane

02:55:04 **Vote:** Motion carried 7-4 by roll call vote. Sen. Squires, Sen. Tropila, Sen. Jackson, and Sen. Balyeat voted no. Sen. Peterson and Sen. Balyeat voted by proxy.

EXECUTIVE ACTION ON SB 494

02:56:52 **Motion:** Sen. Windy Boy moved **SB 494 DO PASS**.

Discussion:

02:57:21 Sen. Windy Boy
02:58:20 Sen. Steinbeisser

02:58:45 **Vote:** Motion failed 5-6 by roll call vote. Sen. Keane, Sen. Squires, Sen. Stewart-Peregoy, Sen. Tropila, and Sen. Windy Boy voted aye. Sen. Peterson voted by proxy.

02:59:04 **Motion/Vote:** Vice Chair Jackson moved that **SB 494 BE TABLED AND THE VOTE REVERSED**. Without objection, the vote was reversed and the bill was tabled by unanimous agreement of those present.

ADJOURNMENT

Adjournment: 11:05 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT ([bus40aad.pdf](#))